

Office of Personnel Management

§ 550.107

(4) In the case of an employee who is not subject to either the Civil Service Retirement System or the Federal Employees Retirement System—

(i) Holds a position that the Office of Personnel Management, on its own motion or at the request of the head of an agency or an official who has been delegated authority to act for the head of the agency in this matter, determines would satisfy paragraph (1), (2), or (3) of this definition if the employee were subject to the Civil Service Retirement System or the Federal Employees Retirement System; or

(ii) Is a special agent in the Diplomatic Security Service.

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Premium pay means additional pay authorized by subchapter V of chapter 55 of title 5, United States Code, and this subpart for overtime, night, holiday, or Sunday work, and for standby duty, administratively uncontrollable overtime work, or availability duty.

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MAXIMUM EARNINGS LIMITATIONS

§ 550.105 Biweekly maximum earnings limitation.

(a) Except as provided in paragraph (b) of this section, an employee may be paid premium pay under this subpart only to the extent that the payment does not cause the total of his or her basic pay and premium pay for any pay period to exceed the maximum rate for GS-15, including—

(1) A locality-based comparability payment under 5 U.S.C. 5304; and

(2) A special salary rate established under 5 U.S.C. 5305.

(b) This section does not apply to—

(1) Any pay period during which an employee has been determined to be performing work in connection with an emergency under § 550.106(a);

(2) An employee of the Federal Aviation Administration or the Department of Defense who is paid premium pay under 5 U.S.C. 5546a; or

(3) A law enforcement officer.

[56 FR 11059, Mar. 15, 1991, as amended at 57 FR 31630, July 17, 1992; 58 FR 3201, Jan. 8, 1993; 61 FR 3542, Feb. 1, 1996]

§ 550.106 Annual maximum earnings limitation for work in connection with an emergency.

(a) For any pay period in which the head of an agency, his or her designee, or the Office of Personnel Management on its own motion determines that an emergency exists, an employee shall be paid premium pay under the annual limitation described in paragraph (c) of this section, instead of under the biweekly limitation described in § 550.105(a) if the employee has been determined by the head of the employing agency, or his or her designee, to be performing work in connection with the emergency.

(b) The head of an agency, or his or her designee, shall make the determination under paragraph (a) of this section as soon as practicable after the emergency begins. Entitlement to premium pay under the annual limitation shall be effective on the first day of the pay period in which the emergency began.

(c) In any calendar year during which an employee has been determined to be performing work in connection with an emergency, he or she shall be paid premium pay under this subpart to the extent that the payment does not cause the total of his or her basic pay and premium pay for the calendar year to exceed the maximum rate for GS-15 in effect on the last day of the calendar year, including—

(1) A locality-based comparability payment under 5 U.S.C. 5304; and

(2) A special salary rate established under 5 U.S.C. 5305.

(d) This section does not apply to—

(1) An employee of the Federal Aviation Administration or the Department of Defense who is paid premium pay under 5 U.S.C. 5546a; or

(2) A law enforcement officer.

[57 FR 31630, July 17, 1992, as amended at 58 FR 3201, Jan. 8, 1993; 59 FR 66332, Dec. 28, 1994; 61 FR 3542, Feb. 1, 1996; 61 FR 50535, Sept. 26, 1996; 61 FR 51319, Oct. 1, 1996]

§ 550.107 Special maximum earnings limitation for law enforcement officers.

A law enforcement officer may be paid premium pay under this subpart only to the extent that the payment does not cause the total of his or her